

AMENDED IN SENATE AUGUST 12, 2013

AMENDED IN SENATE JULY 11, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 121

**Introduced by Assembly Member Dickinson
(Coauthor: Assembly Member Cooley)**

January 14, 2013

An act to add Sections ~~25536.3 and 25536.4~~ 25536.8 and 25536.9 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 121, as amended, Dickinson. Counties: disposition of real property.

Existing law authorizes the board of supervisors of a county to sell or lease any real property belonging to the county, as specified, provided that the board complies with certain procedural requirements. Existing law authorizes the board to enter into a lease, concession, or managerial contract involving county owned, leased, or managed property for specified purposes, without otherwise complying with the existing procedural requirements.

This bill would additionally authorize the Sacramento County Board of Supervisors to sell or enter into a lease, concession, or managerial contract involving a specified area of county property that the county has acquired from the federal government due to the closure of Mather Air Force Base or McClellan Air Force Base, without complying with

the existing procedural requirements referenced above, in accordance with conditions prescribed in the bill. The bill, in a similar manner, would additionally authorize the County of Merced, by a $\frac{4}{5}$ vote of the board of supervisors, to sell a specified area of county property that the county has acquired from the federal government due to the closure of Castle Air Force Base. The bill would prohibit the provisions for each county from being construed to release the county from complying with specified postcompliance provisions relating to redevelopment successor agencies, if the relevant property is located in a former redevelopment area.

This bill would make legislative findings and declarations as to the necessity of a special statute for those counties relative to the disposition by each county of the above-described properties.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section ~~25536.3~~ 25536.8 is added to the
2 Government Code, to read:

3 ~~25536.3.~~

4 25536.8. (a) In addition to the authority provided for in Section
5 25536, and in accordance with subdivision (b), the Sacramento
6 County Board of Supervisors, by a four-fifths vote of the board,
7 may sell, or enter into a lease, concession, or managerial contract
8 involving a specified area of county property that the county has
9 acquired from the federal government due to the closure of Mather
10 Air Force Base or McClellan Air Force Base, without otherwise
11 complying with this article.

12 (b) The board shall take an action specified in subdivision (a)
13 only if the following conditions are met, or if the board makes a
14 finding in a noticed public hearing that the following conditions
15 were met at the time the property was acquired from the federal
16 government:

17 (1) Reuse of the property is governed solely by the county.

18 (2) The county has prepared and adopted a general or specific
19 plan pursuant to Article 5 (commencing with Section 65300) of
20 Chapter 3 of Division 1 of Title 7 and has adopted a zoning
21 ordinance for the area, and the proposed use is consistent with that
22 general or specific plan and the zoning ordinance.

1 (3) The airport land use commission has prepared and adopted
2 a comprehensive airport land use plan for the area pursuant to
3 Article 3.5 (commencing with Section 21670) of Chapter 4 of Part
4 1 of Division 9 of the Public Utilities Code, and the proposed use
5 is consistent with that plan.

6 (4) The county has complied with Article 8 (commencing with
7 Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5, and
8 Section 65402 with regard to the property, as provided in Section
9 25350.1.

10 (5) The county has given notice pursuant to Section 6062a and
11 posted the notice in the office of the county clerk. The notice shall
12 specify the date that the board determines that any of the affected
13 property shall be subject to this section, and shall include all of
14 the following:

15 (A) A description of the property proposed to be sold, leased,
16 or subject to a concession or managerial contract pursuant to this
17 section.

18 (B) The proposed terms of the sale, lease, concession, or
19 managerial contract.

20 (C) The location where offers will be accepted and executed.

21 (D) The telephone number and address of the county officer
22 responsible for executing the sale, lease, concession, or managerial
23 contract.

24 (c) This section shall not be construed to release the County of
25 Sacramento from complying with Chapter 9 (commencing with
26 Section 34191.1) of Part 1.85 of Division 24 of the Health and
27 Safety Code, if the property is located in a former redevelopment
28 area.

29 SEC. 2. Section ~~25536.4~~ 25536.9 is added to the Government
30 Code, to read:

31 ~~25536.4.~~

32 25536.9. (a) In addition to the authority provided for in Section
33 25536, and in accordance with subdivision (b), the County of
34 Merced, by a four-fifths vote of the board of supervisors, may sell
35 a specified area of county property that the county has acquired
36 from the federal government due to the closure of Castle Air Force
37 Base, without otherwise complying with this article.

38 (b) The board shall take an action specified in subdivision (a)
39 only if the following conditions are met, or if the board makes a
40 finding in a noticed public hearing that the following conditions

1 were met at the time the property was acquired from the federal
 2 government:

3 (1) Reuse of the property is governed solely by the county.

4 (2) The county has prepared and adopted a general or specific
 5 plan pursuant to Article 5 (commencing with Section 65300) of
 6 Chapter 3 of Division 1 of Title 7 and has adopted a zoning
 7 ordinance for the area, and the proposed use is consistent with that
 8 general or specific plan and the zoning ordinance.

9 (3) The airport land use commission has prepared and adopted
 10 a comprehensive airport land use plan for the area pursuant to
 11 Article 3.5 (commencing with Section 21670) of Chapter 4 of Part
 12 1 of Division 9 of the Public Utilities Code, and the proposed use
 13 is consistent with that plan.

14 (4) The county has complied with Article 8 (commencing with
 15 Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5, and
 16 Section 65402 with regard to the property, as provided in Section
 17 25350.1.

18 (5) The county has given notice pursuant to Section 6062a and
 19 posted the notice in the office of the county clerk. The notice shall
 20 specify the date that the board determines that any of the affected
 21 property shall be subject to this section, and shall include all of
 22 the following:

23 (A) A description of the property proposed to be sold, leased,
 24 ~~or subject to a concession or managerial contract~~ sold pursuant to
 25 this section.

26 (B) The proposed terms of the ~~sale, lease, concession, or~~
 27 ~~managerial contract.~~ sale.

28 (C) The location where offers will be accepted and executed.

29 (D) The telephone number and address of the county officer
 30 responsible for executing the ~~sale, lease, concession, or managerial~~
 31 ~~contract.~~ sale.

32 (c) This section shall not be construed to release the County of
 33 Merced from complying with Chapter 9 (commencing with Section
 34 34191.1) of Part 1.85 of Division 24 of the Health and Safety Code,
 35 if the property is located in a former redevelopment area.

36 SEC. 3. The Legislature finds and declares that a special law
 37 is necessary and that a general law cannot be made applicable
 38 within the meaning of Section 16 of Article IV of the California
 39 Constitution because of the unique needs of the County of
 40 Sacramento and the County of Merced relative to the disposition

- 1 of the properties acquired from the federal government by those
- 2 counties pursuant to the closure of Mather Air Force Base and
- 3 McClellan Air Force Base in Sacramento County and Castle Air
- 4 Force Base in Merced County.

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